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11 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING
 16 COMMITTEE, *et al.*,

17 Plaintiffs,

CASE NO.: C07-2688 CRB

18 v.
 19 SKYWEST AIRLINES, INC.,
 20 Defendant.

17 [PROPOSED] PRELIMINARY
 18 INJUNCTION

22 The above-captioned matter came before the Court upon Plaintiffs' Motion for a
 23 Preliminary Injunction. A hearing was held on June 7, 2007 at which both parties were
 24 represented by counsel and presented live evidence, and prior to which both parties submitted
 25 briefs.

26 Having considered the evidence and legal arguments, the Court finds that Plaintiffs have
 27 demonstrated a likelihood of success on the merits and that the balance of hardships tips sharply
 28 in Plaintiffs' favor. Accordingly, Plaintiffs are entitled to a Preliminary Injunction.

1 In support of this Preliminary Injunction, the Court makes the following findings:

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- 3 Unlawful acts have been threatened and will be committed unless restrained or have
been committed and will be continued unless restrained.
- 4 Substantial and irreparable injury to Plaintiffs' property will occur in the absence of
immediate injunctive relief.
- 5 As to each item of relief granted in paragraphs 1 through 4 below, greater injury will
be inflicted upon Plaintiffs by the denial of relief than will be inflicted upon
Defendant by the granting of relief.
- 6 Plaintiffs have no adequate remedy at law.
- 7 Plaintiffs suffer injury in the form of the deprivation of their rights under the Railway
Labor Act ("RLA" or "the Act"), 45 U.S.C. §152, Third and Fourth, to organize and
to select a bargaining representative of their own choosing and specifically to engage
in expressive and associational activity in connection with their organizing campaign,
free of employer interference or discrimination.
- 8 Harm to Plaintiffs is irreparable because under controlling Ninth Circuit caselaw,
Arcamuzi v. Continental Air Lines, Inc., 819 F.2d 935, 938 (9th Cir. 1987) ("coercive
and inhibitory effects upon . . . employees' organizational rights secured by the RLA
. . . [are] irreparable").

19 THEREFORE, IT IS HEREBY ORDERED that the Amended Temporary Restraining
20 Order issued by this Court on May 24, 2007 is dissolved and superseded by this Preliminary
21 Injunction.

22 IT IS FURTHER HEREBY ORDERED that Defendant SkyWest Airlines, Inc.
23 ("SkyWest"), its officers, agents, servants, employees, and attorneys, and all persons acting by,
24 through, under, or in concert with Defendant, pending a final ruling by this Court on the merits:

25 1) Are hereby enjoined from interfering in any way with SkyWest pilots' outward
26 expression of support for ALPA and the ALPA organizing campaign and association with
27 like-minded pilots through, *inter alia*, the wearing of ALPA insignia on lanyards or pins,
28 while in uniform or off duty.

1 2) Are hereby enjoined from interfering in any way with SkyWest pilots' oral
2 communication with fellow SkyWest pilots regarding ALPA and the ALPA organizing
3 campaign in non-work areas and non-work time and from interfering in any way with
4 SkyWest pilots' communication with fellow SkyWest pilots regarding ALPA and the
5 ALPA organizing campaign through distribution of ALPA-related materials in non-work
6 areas such as bulletin boards and crew lounges.

7 3) Are hereby enjoined from discriminating in any way against SkyWest pilots with respect
8 to the channels of communication they may use to communicate with fellow pilots, and,
9 to comply with this prohibition, are hereby ordered to permit the pilots employed by
10 SkyWest, who are members of Plaintiff SkyWest Pilots ALPA Organizing Committee
11 and whose names appear on the attached Appendix A, to use the same channels of
12 communication used by SkyWest Airlines Pilot Association ("SAPA") at any point
13 during the last year, including *inter alia*, to post materials on general bulletin boards in
14 crew lounges, to distribute materials through pilot mailboxes, to send group emails to
15 pilots through SkyWest's email system, and to make presentations to newly-hired pilot
16 classes, and also to use of dedicated bulletin board space in each crew lounge where
17 SAPA had dedicated bulletin board space at any point in the last year.

18 4) Are hereby enjoined from funding or providing any financial support to SAPA.

19 IT IS FURTHER HEREBY ORDERED that no bond is necessary for each of the
20 following separate and independent reasons: (1) Plaintiffs have a strong likelihood of success on
21 the merits; (2) there is no realistic likelihood of harm to Defendant from enjoining its conduct;
22 and (3) the balance of hardships weighs in favor of Plaintiffs.

23 IT IS SO ORDERED.

24
25 Date: _____ U.S. District Court Judge
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27
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APPENDIX A TO AMENDED TEMPORARY RESTRAINING ORDER

2	Phil Alford SLC CRJ Captain
3	Arshad Ali ORD CRJ Captain
4	Omar Amin PSP EM2 Captain
5	David Benjamin PDX EM2 Captain
6	Andy Bharath DEN CRJ Captain
7	David Boehm SLC CRJ Captain
8	Frank Bowlin TRG CRJ Captain
9	Thomas Caldwell DEN CRJ Captain
10	Rick Clapp ORD CRJ Captain
11	John Colson DEN CRJ Captain
12	Travis Cook SLC CRJ First Officer
13	Clifford Cooley DEN EM2 Captain
14	Erik Copeland SLC CRJ Captain
15	Nathaniel Cothran FAT CRJ First Officer
16	Shaun Cunningham ORD CRJ Captain
17	Jason Custer FAT CRJ Captain
18	Larry de Freitas SLC CRJ Captain
19	Steve Dow COS CRJ Captain
20	Chris Eyring SLC CRJ Captain
21	Ramon Gleser DEN CRJ Captain
22	Laura Goudge TRG CRJ Captain
23	Frank Hammond SBP EM2 Captain
24	Karen "Diane" Helly SLC CRJ Captain
25	Kurt Horst DEN CRJ Captain
26	Gordon Hyde DEN CRJ First Officer
27	Jason Ianiro ORD CRJ Captain
28	Russ Jacobie FAT CRJ Captain
29	Jesse Jenks SBP EM2 Captain
30	Marc Johnson ORD CRJ Captain
31	Steve Kanuch DEN CRJ Captain
32	Scott Koehler TRG CRJ Captain
33	Jeremy Konis TUS CRJ First Officer
34	Russell LaBelle COS CRJ First Officer
35	Jeri Lyn Liddiard SLC CRJ Captain
36	Todd Lisak ORD CRJ Captain
37	Riad Mansur ORD CRJ Captain
38	Diletta Martirano SAN EM2 First Officer
39	Jeremy Michalek SLC CRJ Captain
40	Darris Miller DEN CRJ Captain
41	Adam Miller ORD CRJ Captain
42	Paul Millsap SLC CRJ Captain
43	Scott Mitchell SLC CRJ Captain
44	Douglas Moriarty SLC CRJ Captain
45	Jeffery Nostrom SLC CRJ Captain
46	Mike Owiecki SMF CRJ Captain
47	Antonio Scamardella ORD CRJ Captain
48	Jeff Sciaroni DEN CRJ Captain
49	Curtis Sessions SLC CRJ Captain
50	Tracy Shrier SLC CRJ Captain
51	Peter Veuger DEN CRJ Captain
52	Allen Walker FAT CRJ Captain
53	Clinton Weichers MRY EM2 Captain
54	Tom Wimber COS CRJ First Officer